

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LOYALTY CONVERSION SYSTEMS)	
CORPORATION,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:13-cv-00655-JRG
)	(LEAD CASE)
)	
AMERICAN AIRLINES, INC., et al.,)	
)	
Defendant.)	

DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO AMEND THEIR INVALIDITY CONTENTIONS

Pursuant to Patent Rule 3-6(b) of the Court, Defendants American Airlines, Inc., Delta Air Lines Inc., Frontier Airlines, Inc., Hawaiian Airlines, Inc., JetBlue Airways Corp., Southwest Airlines Co., Spirit Airlines, Inc., United Airlines, Inc., and US Airways, Inc. (collectively, “Defendants”), respectfully request leave of the Court to supplement their Invalidity Contentions. Plaintiff is not opposed to this request.¹

Good cause for this Motion exists. Defendants' supplementation is based on third-party discovery that was received in response to Defendants' subpoenas and is related to third-party prior art systems. These third-party systems were previously charted and/or identified in Defendants' Initial Invalidity Contentions served on February 14, 2014. Upon identification of these prior art systems, Defendants subpoenaed and/or contacted third-parties including

¹With respect to the Hilton Honors Prior Art Supplementation, Plaintiff agreed to not oppose supplementation on the condition that Defendants provide Plaintiff with a date certain for a deposition of Ms. Tammy Philson of Hilton Worldwide. Defendants have identified September 26th, 29th, or 30th as potential dates for such deposition.

American Express, Hilton Worldwide, JP Morgan Chase, Marriott Worldwide, Starwood Hotels, and Points.com and diligently pursued discovery from these third-parties.

Throughout discovery Defendants diligently kept Plaintiff apprised of its supplemental invalidity positions by providing Plaintiff with invalidity charts and underlying third-party documents on a rolling basis and as these documents were being produced by third-parties. Thus, having had knowledge about these third-party prior art systems as early as February 14, 2014, and having received update invalidity charts on a rolling basis, Plaintiff will not suffer unfair prejudice due to supplementation of the invalidity contentions.

Further, granting this Motion will not impact the Court's schedule because the close of discovery is over two-months away, expert discovery has not began, and Plaintiff has adequate opportunity to seek any additional discovery on these third-party prior art systems.

Thus, Defendants respectfully request that this Unopposed Motion for Leave to Amend Their Invalidity Contentions pursuant to P.R. 3-6(b) be granted.

Dated: August 22, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service, Local Rule CV-5(a), on this the 22nd day of August, 2014.

/s/ Jennifer P. Ainsworth
Jennifer P. Ainsworth

CERTIFICATE OF CONFERENCE

This is to certify that counsel for Defendants has conferred with Plaintiff's counsel concerning this motion and they do not oppose the motion.

/s/ Jennifer P. Ainsworth
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